

FMCSA-2009-0014

LAW OFFICES OF FURST & CINTRON
52 Upper Montclair Plaza
Upper Montclair, New Jersey 07043
[973] 744-4000
Attorneys for Petitioner
Nick's Transportation and Services, Inc.

DEPT OF TRANSPORTATION
RECEIVED

IN RE NICK'S TRANSPORTATION AND : United States Department of
SERVICES, INC. : Transportation
: :
: Federal Motor Carrier Safety
: Administration
: :
: **Petition for Reconsideration**
: :
: :

Petitioner, Nick's Transportation and Services, Inc. ("Nick's"),
with an address of 101 Warwick Street, Newark, New Jersey, states:

Procedural Background

1. This petition is filed pursuant to 49 C.F.R. § 386.64 for
reconsideration of a Final Agency Order dated October 29, 2008.
(Exhibit A)

2. This petition is filed within twenty (20) days of service
of the Final Agency Order.

3. This petition is based upon a Notice of Claim, dated
September 23, 2008. (Exhibit B)

FMCSA
OFFICE OF CHIEF COUNSEL
JUN -6 PM 3:54

Factual Background

4. Nicolau O. Prechaniuk ("Prechaniuk"), the President of Nick's, runs Nick's from 101 Warwick Street ("101 Warwick"), which is also his home.

5. On June 20, 2008, a commercial motor vehicle operated by Nick's was inspected in Florida.

6. Violations were allegedly discovered during the inspection.

7. Thereafter, a Notice of Claim was dispatched by Federal Express (Fed Ex) to Nick's' office at 101 Warwick Street in Newark, New Jersey on or about September 23, 2008. (Exhibit B)

8. At the time the Notice of Claim was dispatched, Prechaniuk was visiting family in Brazil. Thus, he was not available to receive the Notice.

9. A copy of Prechaniuk's passport is attached hereto as Exhibit C.

10. The passport does not show when Prechaniuk departed the United States because the passport is not routinely stamped on departures. However, his airplane ticket shows that he departed on August 27, 2008 and returned to the United States on October 19, 2008. (Exhibit D)

11. Perchaniuk was advised prior to his departure that the utilities at 101 Warwick Street were to be turned off at the time he was due to return to the United States. (Exhibit E)

12. Because the utilities were to be turned off and Prechaniuk was due to travel to Florida shortly after he returned to the United States, he did not return to 101 Warwick upon his return. Instead, he stayed with a family member before he left for Florida.

13. Prechaniuk departed for Florida in late October. A copy of a receipt for his hotel bill from October 26 to October 29, 2008 is attached as Exhibit F. As a result, Prechaniuk was not available to receive a package left at 101 Warwick in Newark, New Jersey.

14. Because he did not return to 101 Warwick until early November, Prechaniuk did not receive the FedEx package with the Notice of Claim which was left without a recipient's signature. According to FedEx's tracking records, the package bearing tracking number 791955725534 was dispatched on September 23, 2008, but was not delivered on either September 25 or 26 because the "customer was not available." (Exhibit G)

15. On September 29, 2008, the package with the Notice of Claim was merely "Left at front door . . . release authorized." (Exhibit G) It is unclear who authorized the release since the package was delivered when the customer was not available to receive it. FedEx's records note that "no signature [was] required." (Id.)

16. On November 3, 2008, the FedEx package with the Notice of Default was delivered to 101 Warwick. (Exhibit H)

17. Prechaniuk returned from Florida on or about November 5, 2008, went to his apartment and discovered the FedEx packages containing the Notice of Default and the Notice of Claim.

18. Prechaniuk immediately contacted counsel who called Mr. Vasconez to discuss the matter and advise that a petition to set aside the default would be filed.

19. This petition is being filed promptly after the receipt of the Notice of Default and as soon as Nick's could retain counsel.

The Default Should be Set Aside

Excusable Neglect Has Been Demonstrated

20. The foregoing facts demonstrate excusable neglect on the part of Nick's. The facts demonstrate that the failure to respond to the Notice of Claim was not intentional and does not constitute a waiver of its right to be heard and to contest the allegations.

21. Nick's wishes to participate fully in the administrative process or negotiate a fair and equitable settlement to the allegations contained in the Notice of Claim.

Nick's Has A Meritorious Defense to the Allegations

22. Nick's was not hauling household goods in violation of 49 CFR §392.9a(a) and 49 CFR 14901(d)(3). As a result, he was not

required to register or maintain registration as a household goods broker or motor carrier as set forth in the Notice of Claim.

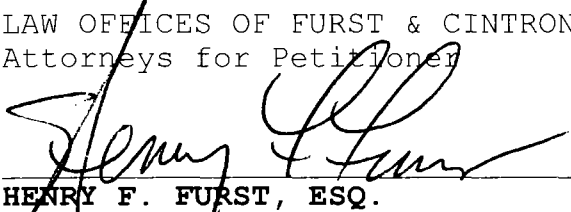
23. Nick's cargo, when stopped, consisted of furniture being hauled exclusively for dealers of furniture to other dealers or stores. Attached hereto as Exhibit I are invoices that are typical invoices for the dealers for whom Nick's hauls furniture.

24. When stopped on June 20, 2008, Nick's was not hauling household goods for residential customers involving loading and unloading at personal residences. Nick's does not haul such cargo in interstate travel. Thus, there was no failure by Nick's to register as a household goods broker or carrier per 49 U.S.C. 14901(d)(3) and related provisions of the law.

WHEREFORE, Petitioner requests that the Assistant Administrator reconsider the default and set it aside.

LAW OFFICES OF FURST & CINTRON
Attorneys for Petitioner

By:


HENRY F. FURST, ESQ.

Dated: November 20, 2008

VERIFICATION

I, Nicolau O. Prechaniuk, the President of Nick's Transportation and Services hereby verify that I have read the Petition submitted on behalf of Nick's Transportation and Services, Inc.

The contents are true to the best of my knowledge, information and belief.

All of the documents attached to the Petition are true and exact copies of the documents they purport to represent.

A handwritten signature in black ink, reading "Nicolau Prechaniuk". The signature is written in a cursive style with a large, stylized initial "N" and a long, sweeping flourish at the end.

Nicolau O. Prechaniuk

CERTIFICATION OF SERVICE

Henry F. Furst, attorney for the Petitioner in this action, certifies that the original of this Petition for Reconsideration was filed in accordance with 49 C.F.R. §386.7 and a copy served on the following by Federal Express:

Assistant Administrator (original)
U.S. Department of Transportation
Docket Operations, M-20
West Building Ground Floor, Room W-12-140
1200 New Jersey Avenue, SE
Washington, D.C.

Christopher Rotondo, Division Administrator (copy)
U.S. Department of Transportation
Federal Motor Carrier Safety Administration
One Independence Way, Suite 120
Princeton, NJ 08540

Motor Carriers Docket Clerk (original)
U.S. Department of Transportation
Federal Motor Carrier Safety Administration
Eastern Service Center
802 Cromwell Park Drive, Suite N
Glen Burnie, MD 21061

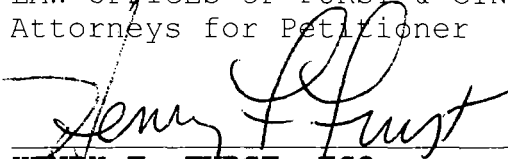
A courtesy copy was sent via facsimile and regular mail to:

Jay Vasconez, Enforcement Program Specialist
U.S. Department of Transportation
Federal Motor Carrier Safety Administration
Eastern Service Center
802 Cromwell Park Drive, Suite N
Glen Burnie, MD 21061
facsimile: (443) 703-2253

I certify that the foregoing statements made by me are true.
I am aware that if any of the foregoing statements made by me are
wilfully false, I am subject to punishment.

LAW OFFICES OF FURST & CINTRON
Attorneys for Petitioner

By:


HENRY F. FURST, ESQ.

Dated: November 20, 2008



U.S. DEPARTMENT OF TRANSPORTATION
FEDERAL MOTOR CARRIER SAFETY ADMINISTRATION
Eastern Service Center
802 Cromwell Park Drive, Suite N
Glen Burnie, MD 21061
(443) 703-2240
(443) 703-2253 (Fax)

FEDERAL EXPRESS

October 29, 2008

**NOTICE OF DEFAULT
AND
FINAL AGENCY ORDER**

**NICOLAU PRECHANIUK, PRESIDENT
NICKS TRANSPORTATION AND SERVICES, INC.
101 WARWICK STREET
NEWARK, NJ 08628**

**Re: Case Number: NJ-2008-0283-US0170
US DOT#: 1250340**

Dear Mr. Prechaniuk:

This letter is a Notice of Default and Final Agency Order ("Order"), and demand for payment of the outstanding debt owed to the United States Department of Transportation, Federal Motor Carrier Safety Administration, for violation(s) of Federal Motor Carrier Safety Regulations, Hazardous Material Regulations, and/or Federal Motor Carrier Commercial Regulations. NICKS TRANSPORTATION AND SERVICES, INC. was notified of the proposed penalty assessment in the amount of **\$25,300.00** by a Notice of Claim served on NICKS TRANSPORTATION AND SERVICES, INC. on September 23, 2008.

Pursuant to 49 C.F.R. § 386.14(c), because NICKS TRANSPORTATION AND SERVICES, INC. failed to reply to the Notice of Claim within thirty (30) days of the service of the Notice of Claim, NICKS TRANSPORTATION AND SERVICES, INC. is in default. The default causes the Notice of Claim, including the civil penalty proposed in the Notice of Claim, to automatically become the Final Agency Order in this proceeding. The Final Agency Order is effective five (5) days after the service of this Order. **In this case the Final Agency Order is effective on November 3, 2008.** The default constitutes an admission of all facts and violations alleged in the Notice of Claim and a waiver of NICKS TRANSPORTATION AND SERVICES, INC.'s opportunity to contest the claim. These violations shall constitute a history of prior offenses in any future civil penalty proceeding and may lead to higher penalties in future enforcement actions and adverse future SafeStat rankings.

Payment of the outstanding balance in the amount of **\$25,300.00** is due and payable on **November 3, 2008**. You may pay electronically through our SAFER website at <http://safer.fmcsa.dot.gov> by selecting "Online Fine Payment" option under the FMCSA Service section. Alternatively, you can mail your **cashier's check**, **certified check** or **money order** payable to the **Federal Motor Carrier Safety Administration**. The payment should be mailed to:

Federal Motor Carrier Safety Administration
Eastern Service Center
802 Cromwell Park Drive, Suite N
Glen Burnie, MD 21061

Pursuant to 49 C.F.R. § 386.14(c)(3), failure to pay the civil penalty as directed in this Order constitutes a violation of the Order, and subjects NICKS TRANSPORTATION AND SERVICES, INC. to additional penalties as prescribed in the regulations. Additionally, NICKS TRANSPORTATION AND SERVICES, INC. may be liable for interest and administrative penalties.

If NICKS TRANSPORTATION AND SERVICES, INC. fails to pay this debt, NICKS TRANSPORTATION AND SERVICES, INC. will be prohibited from operating in interstate commerce pursuant to 49 C.F.R. § 386.83. If NICKS TRANSPORTATION AND SERVICES, INC. is registered as a for-hire motor carrier, freight forwarder, or broker, NICKS TRANSPORTATION AND SERVICES, INC.'s registration will be suspended in accordance with 49 C.F.R. § 386.84. NICKS TRANSPORTATION AND SERVICES, INC. may, in accordance with State laws, be subject to additional penalties such as suspension and/or revocation of State vehicle registration privileges. Additionally, the Order will be referred to the United States Department of Treasury for collection, and may also be referred to the Attorney General for an action to be brought in the United States District Court to enforce the Final Agency Order and collect the civil penalty.

Pursuant to 49 C.F.R. § 386.64, NICKS TRANSPORTATION AND SERVICES, INC. may file a petition for reconsideration of the Final Agency Order within 20 days after the service of this Order. The original petition for reconsideration must be filed in accordance with 49 C.F.R. § 386.7 with the Assistant Administrator by personal delivery or mail addressed as follows:

U.S. Department of Transportation
Docket Operations, M-30
West Building Ground Floor, Room W12-140
1200 New Jersey Avenue, SE
Washington, DC 20590

Copies of the petition for reconsideration must also be served on all persons listed in the Certificate of Service of this Notice of Default and Final Agency Order, pursuant to 49 C.F.R. §§ 386.6 and 386.7. The petition must include the following, which must also be provided to all persons on the Certificate of Service:

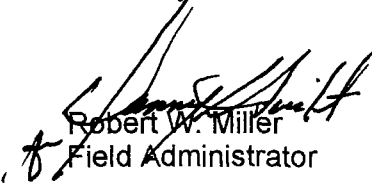
- (a) A copy of the Notice of Claim served on **September 23, 2008**,
- (b) A copy of the Notice of Default and Final Agency Order served on **October 29, 2008**,
- (c) All evidence you are relying upon in support of the petition for reconsideration, ^[1] and
- (d) A Certificate of Service as required by 49 C.F.R. § 386.6(c). ^[2]

Pursuant to 49 C.F.R. § 386.64(b), the only issue that will be considered upon reconsideration by the Assistant Administrator is whether a default has occurred under 49 C.F.R. § 386.14(c). The Final Agency Order may be vacated (set aside) where you can

demonstrate excusable neglect, a meritorious defense, or due diligence in seeking relief to the Notice of Claim. If NICKS TRANSPORTATION AND SERVICES, INC. files a petition for reconsideration in accordance with 49 C.F.R. § 386.64, the entire action will be stayed unless the Assistant Administrator orders otherwise.

For questions regarding this Order, you may contact Enforcement Program Specialist Jay Vasconez at (443) 703-2259.

Sincerely,



Robert W. Miller
Field Administrator

[1] All written evidence shall be submitted in the following forms: (a) a written statement of a person having personal knowledge of the facts alleged, or (b) documentary evidence in the form of exhibits attached to a written statement identifying the exhibit and giving its source. See 49 C.F.R. § 386.49.

[2] A Certificate of Service shall accompany all documents served in a Civil Penalty Proceeding under 49 C.F.R. § 386. The certificate of service must show the date and manner of service be signed by the person making service, and list the persons served. See 49 C.F.R. § 386.6(c).

CERTIFICATE OF SERVICE

This is to certify that on October 29, 2008, the undersigned mailed or delivered, as specified, the designated number of copies of the **Notice of Default and Final Agency Order** to each of the parties listed below.

Each party listed below must receive the designated number of copies of each filing made in this proceeding in the future.

NICOLAU PRECHANIUK, PRESIDENT NICKS TRANSPORTATION AND SERVICES, INC. 101 WARWICK STREET NEWARK, NJ 08628 U S DOT #1250340	Original Federal Express
Christopher Rotondo, Division Administrator U.S. Department of Transportation Federal Motor Carrier Safety Administration One Independence Way, Suite 120 Princeton, NJ 08540	One Copy EDMS
Motor Carriers Docket Clerk U.S. Department of Transportation Federal Motor Carrier Safety Administration Eastern Service Center 802 Cromwell Park Drive, Suite N Glen Burnie, MD 21061	One Copy Personal Delivery


Mary Ann Eritz
Enforcement Program Technician



U.S. Department
of Transportation

Federal Motor Carrier
Safety Administration
Eastern Service Center

802 Cromwell Park Drive
Suite N
Glen Burnie, MD 21061

Phone: (443) 703-2240
Fax: (443) 703-2253

Federal Express

September 23, 2008

Nicolau Prechaniuk, President
Nicks Transportation And Services, Inc.
101 Warwick Street
Newark, NJ 08628

NOTICE OF CLAIM¹ -- Violations of 49 CFR § 390.19(a)(1); 392.9a(a) /14901(d)(3).

CIVIL PENALTY: \$25,300

Case Number: NJ-2008-0283-US0170

US DOT Number: 1250340

Dear Mr. Prechaniuk:

On June 20, 2008, a commercial motor vehicle operated by Nicks Transportation And Services, Inc. was inspected in Pompano Beach, Florida. The purpose of this inspection was to determine your compliance with the Federal Motor Carrier Safety Regulations (FMCSR), the Federal Hazardous Materials Regulations (HMR), and the Federal Motor Carrier Commercial Regulations (FMCCR).

As a result of this inspection, violations were discovered. This letter constitutes a Notice of Claim by the United States Department of Transportation, Federal Motor Carrier Safety Administration (FMCSA) against Nicks Transportation And Services, Inc. for the amount of \$25,300.

Unless settled or otherwise resolved in a manner set forth below, the FMCSA can recover these penalties, with interest and costs, in a civil action brought in a United States District Court. Additional collection efforts may include, but are not limited to: Internal Revenue Service offsets against tax refunds, and the referral to and the use of collection agencies to collect penalties. Also, under 49 CFR §§ 386.83 and 386.84, once a final order has been issued, the FMCSA may prohibit Nicks Transportation And Services, Inc. from operating in interstate commerce until the civil penalty is paid in full and, if applicable, your FMCSA registration will be suspended.

1) A Notice of Claim is the official charging document used by the Federal Motor Carrier Safety Administration to initiate a civil action for violations of Federal Laws.

SUMMARY OF VIOLATIONS

Your company is charged with:

1. One (1) violation of 49 CFR § 390.19(a)(1)- Failing to file a Motor Carrier Identification Report, Form MCS-150 before beginning operations.
2. One (1) violation of 49 CFR § 392.9a(a) /14901(d)(3)- Failure to register or maintain registration as a household goods broker or motor carrier.

A copy of the documentary evidence collected during the investigation is available from this office. Upon request, the FMCSA will forward a copy of this evidence within a reasonable period of time. For additional details see the attached "Statement of Charges."

NOTICE OF ABATEMENT

This letter also constitutes a Notice of Abatement of all violations. In order to ensure that these violations cease, your company must take the following actions:

1. Immediately cease all motor carrier operations subject to the Federal Motor Carrier Safety Regulations until Motor Carrier Identification Report is filed.
2. Do not operate a motor vehicle providing transportation unless and until you are registered pursuant to 49 U.S.C. 13902 or do not operate a motor vehicle providing transportation beyond the scope of registration.

Failure to Abate Cited Violations

Failure to abate the cited violations could cause penalties to be increased in future enforcement actions. Under Section 222 of the Motor Carrier Safety Improvement Act of 1999, recurring violations of the same or related acute or critical regulations (violations of the same Part in Title 49 of the Code of Federal Regulations) that result in three or more enforcement actions within a six-year period will cause the maximum penalties allowed by law to be assessed for the third and subsequent enforcement actions. Any violations with a checkmark in the "§ 222 Applied" column in the penalty table below are subject to this "Section 222" provision and the maximum penalties have been assessed. See 49 USC § 521 note, 49 USC § 521(b), 49 USC § 5123, 49 USC Chapter 149, and 49 CFR Part 386, Appendix A.

PENALTY

Penalty Factors for Violations of Safety and Hazardous Materials Regulations

In accordance with 49 USC §§ 521(b)(2)(D) and 5123(c), the FMCSA must, before proposing or claiming a civil penalty, take into consideration the nature, circumstances, extent, and gravity of the violation committed and with respect to the violator, the degree of culpability, history of prior offenses, ability to pay, effect on ability to continue to do business, and such other matters as justice and public safety may require. The civil penalty proposed shall be calculated to induce compliance. These factors will not be considered, however, for violations subject to the Section 222 provision described above.

Penalty Factors for Violations of Commercial Regulations

In the case of violations of the commercial regulations FMCSA also is not required by statute to consider the Section 521 factors. However, before proposing penalties for violations of the commercial regulations (more specifically the transportation of household goods), 49 U.S.C. § 14901 (c) requires FMCSA to take into consideration the degree of culpability, any prior history of such conduct, the degree of harm to shippers, ability to pay, the effect on ability to do business, whether the shipper has been adequately compensated before institution of the civil penalty proceeding, and such other matters as fairness may require.

Discovered Versus Charged Violations

Violations of either safety or hazardous materials regulations discovered during the course of the roadside inspection, but not proposed for penalty in this Notice of Claim, may have increased the civil penalty claimed for the violations charged in this Notice of Claim. The violations found in Table 1, as attached to this Notice of Claim, detail the violations discovered during our review/inspection.

A listing of the statutes governing maximum and minimum penalties for violations of specific regulations is enclosed.

Given the statutorily mandated items listed above, the FMCSA is proposing a civil penalty as follows:

<u>VIOLATION</u>	<u>TYPE OF VIOLATION²</u>	<u>NUMBER OF COUNTS</u>	<u>ASSESSMENT PER COUNT</u>	<u>§222 APPLIED</u>	<u>TOTAL</u>
390.19(a)(1)	R	1	\$300.00		\$300.00
392.9a(a) /14901(d)(3)	COM	1	\$25,000.00		\$25,000.00

Accordingly, the total amount assessed by the Federal Government as the result of these violations is \$25,300.

HOW TO REPLY TO THE NOTICE OF CLAIM

Under 49 CFR Part 386, "Rules of Practice for Motor Carrier, Broker, Freight Forwarder, and Hazardous Materials Proceedings," you have specific rights with respect to this Notice of Claim. You are advised to carefully read Part 386 and follow the course of action appropriate for you in this case. A copy of Part 386 is attached to this Notice of Claim for your information. You may wish to seek legal counsel for answers to any questions in reference to this Notice of Claim or procedures under Part 386. DO NOT call the FMCSA Service Center or the Chief Counsel's office for advice or assistance in your defense. You may pursue the following courses of action:

(1) PAYMENT OF PENALTY: Within 30 days of service of this Notice of Claim: (a) Pay the assessed penalty in full, or (b) Establish a monthly payment plan by contacting an Enforcement Specialist (NOTE: A payment plan may be available for respondents who demonstrate financial

2) CDL=Commercial Driver's License; FR=Financial Responsibility; HM=Hazardous Materials (the total penalty assessed is per citation, not per number of counts); NO=Notice and Orders; NR=Nonrecordkeeping; R=Recordkeeping; COM=Commerical Regulations.

Case Number: NJ-2008-0283-US0170

difficulty), or (c) Contact an Enforcement Specialist outlining in writing compelling reasons why the assessed penalty should be reduced and discuss potential settlement. You may be required to submit a current, certified balance sheet or other evidence of assets and liabilities. An Enforcement Specialist can be reached at 443-703-2259. If you pay the full penalty within thirty (30) days of service of this Notice of Claim, you do not need to file a written Reply to the Notice of Claim.

You may pay the fine electronically through our SAFER website at <<http://safer.fmcsa.dot.gov>> by selecting "Online Fine Payment."

Alternatively, you may pay by cashier's check, certified check, or money order made payable to the FMCSA and mailed to:

United States Department of Transportation
Federal Motor Carrier Safety Administration
Eastern Service Center
802 Cromwell Park Drive
Suite N
Glen Burnie, MD 21061

Personal or company checks will not be accepted and will be returned.

Payment of the penalty will constitute admission of the violation(s) set forth in the Notice Claim and these violations shall constitute prior offenses under either 49 USC § 521(b)(2)(D) (for violations of the Federal Motor Carrier Safety Regulations), 49 USC § 14901(c) (for violations of the Federal Motor Carrier Commercial Regulations involving transportation of household goods) or 49 USC § 5123(c) (for violations of the Hazardous Materials Regulations) unless you proceed under the provisions of 49 C.F.R. § 386.18(c). These offenses may lead to higher penalties in future enforcement actions and adverse future SafeStat rankings.

(2) REQUEST FOR ADMINISTRATIVE ADJUDICATION: You may contest the claim and request Administrative adjudication. If you choose this course of action, you must carefully follow the provisions within 49 CFR § 386.14, including filing a written Reply within thirty (30) days after service of this Notice of Claim.

Your Reply must be in writing, and clearly state the grounds for contesting the Notice of Claim, and must state any affirmative defenses you intend to assert. You must separately admit or deny each violation alleged in this Notice of Claim. Any allegations in the Notice of Claim not specifically denied in the Reply will be deemed admitted. A general denial of the claim is insufficient and may result in a default being entered by the Assistant Administrator. Your Reply must include a statement selecting one of the options for administrative adjudication available under 49 CFR § 386.14(d)(1)(iii). Once you select an adjudication option, you are bound by that selection.

You must serve your reply on all persons listed in the Certificate of Service attached to this Notice of Claim and in accordance with the requirements of 49 CFR § 386.6.

(a) REQUEST TO SUBMIT EVIDENCE AND ARGUMENT WITHOUT HEARING: (§§ 386.14(a), 386.14(d)(1)(iii)(A), 386.16(a)). You may contest the allegations in the Notice of Claim without a formal hearing. To do so, you must serve notice of your intention to proceed in this manner by filing a written Reply within thirty (30) days after service of this Notice of Claim. Service of your Reply and Notice of Intent to Submit Evidence and Argument without Hearing must be made upon all

representatives listed in the Service List that is attached to this Notice of Claim. If you choose this option, the FMCSA Field Administrator for this Service Center is required to serve all written evidence and written argument on each party listed on the Service List and on the Assistant Administrator for the Federal Motor Carrier Safety Administration within 60 days of the service date of this Notice of Claim. No later than 45 days following service of the Field Administrator's evidence, you must then serve your evidence upon all representatives listed in the Service List attached to the Field Administrator's evidence. The Field Administrator may, within 20 days of your filing, respond to your submission of evidence. All evidence must be in the form described in 49 CFR § 386.49, Form of Written Evidence. The Assistant Administrator for the Federal Motor Carrier Safety Administration may issue a Final Agency Order based on the evidence and arguments submitted by both of the parties, or may issue any other order necessary to reach a decision in the matter.

(b) REQUEST FOR A FORMAL HEARING: (§§ 386.14(a), 386.14(d)(1)(iii)(C), 386.16(b)(3)). You may request a hearing on the record before an Administrative Law Judge on any material issues of fact in dispute. If you choose this course of action, you must carefully follow the provisions within 49 CFR § 386.14, including filing a written Reply within thirty (30) days after service of this Notice of Claim. Service of the Reply and Request for Hearing must be made upon all representatives listed in the Service List that is attached to this Notice of Claim. If you choose this option, the Field Administrator will file a notice of consent or objection with basis to your request for hearing within 60 days of service of your Reply. If the Field Administrator files an objection with basis to your request for hearing, the Field Administrator must, then or at a later time, file a Motion for Final Order. No later than 45 days following service of the Field Administrator's Motion for Final Order, you must serve your response upon all representatives listed in the Service List attached to the Field Administrator's Motion. Before a formal hearing will be granted, the Assistant Administrator must determine whether there exists a dispute of a material fact at issue in the matter. After reviewing the record, the Assistant Administrator will either refer the matter to the Office of Hearings for hearing or issue a Final Agency Order based upon the written record.

(c) REQUEST FOR AN INFORMAL HEARING: (§§ 386.14(a), 386.14(d)(1)(iii)(B), 386.16(b)(4)). You may request an informal hearing before a hearing officer on any material issues of fact in dispute. If you choose this course of action, you must carefully follow the provisions within 49 CFR § 386.14, including filing a written Reply within thirty (30) days after service of this Notice of Claim. By requesting an Informal Hearing, you will waive your right to request a formal hearing before an Administrative Law Judge. The Field Administrator will file a notice of consent or objection with basis to your request for an informal hearing within 60 days of service of your Reply. The Assistant Administrator will issue an order granting or denying the request for informal hearing. Before an informal hearing will be granted, the Assistant Administrator must determine whether there exists a dispute of a material fact at issue in the matter. If the informal hearing is granted, the Assistant Administrator will assign the matter to a Hearing Officer. At hearing, both you and the FMCSA will present evidence to the Hearing Officer. After the evidence has been presented, the Hearing Officer will issue a report to the Assistant Administrator containing the findings of fact and recommended disposition of the matter. The Hearing Officer's report will be the only written record of the informal hearing. The Assistant Administrator may issue a Final Agency Order adopting the report, or issue any other Order as appropriate. If your request for an informal hearing is denied by the Assistant Administrator, the Field Administrator will serve a Motion for Final Agency Order. No later than 45 days following service of the Field Administrator's Motion for Final Order, you must serve your response upon all representatives listed in the Service List attached to the Field Administrator's

Motion. After reviewing the record, the Assistant Administrator will refer the matter to the Office of Hearings for a formal hearing, or will issue a Final Agency Order based upon the written record.

(3) REQUEST FOR BINDING ARBITRATION: If you dispute **only** the amount of the civil penalty and/or the length of time to pay, you can select to have the civil penalty amount adjudicated through FMCSA's binding arbitration program. You should notify the FMCSA of your request in writing when you submit your Reply. The Assistant Administrator will determine if your case is appropriate for binding arbitration. You will be notified in writing of the Assistant Administrator's decision regarding your request. You may choose binding arbitration if the only issues that you dispute are the amount of the civil penalty and/or the length of time to pay. FMCSA's guidance on the use of binding arbitration is available through the following link: <<http://www.fmcsa.dot.gov/>>. You can also request a copy of the guidelines from the Service Center.

YOU MUST CERTIFY THAT YOUR REPLY HAS BEEN SERVED IN ACCORDANCE WITH THE REQUIREMENTS CONTAINED WITHIN 49 CFR § 386.6.

THE SPECIFIC RIGHTS PROVIDED FOR IN 49 CFR § 386.14 MAY BE WAIVED IF YOU FAIL TO SUBMIT A WRITTEN REPLY WITHIN THIRTY (30) DAYS AFTER THE SERVICE OF THIS NOTICE OF CLAIM.

FAILURE TO REPLY TO THE NOTICE OF CLAIM IN THE **EXACT** MANNER SPECIFIED IN 49 CFR § 386.14 MAY BE TREATED AS IF NO REPLY HAS BEEN FILED. UNDER 49 CFR § 386.14(c), A FAILURE TO REPLY MAY CAUSE THE FMCSA TO ISSUE A NOTICE OF DEFAULT AND FINAL AGENCY ORDER THIRTY (30) DAYS AFTER THIS NOTICE OF CLAIM IS SERVED. THE NOTICE OF DEFAULT AND FINAL AGENCY ORDER WILL DECLARE YOU TO BE IN DEFAULT AND DECLARE THE NOTICE OF CLAIM, INCLUDING THE CIVIL PENALTY PROPOSED IN THE NOTICE OF CLAIM, TO BE THE FINAL AGENCY ORDER IN THE PROCEEDINGS. THE FINAL AGENCY ORDER WILL BECOME EFFECTIVE FIVE (5) DAYS AFTER THE NOTICE OF DEFAULT AND FINAL AGENCY ORDER IS SERVED. THE DEFAULT WILL CONSTITUTE AN ADMISSION OF ALL FACTS ALLEGED IN THE NOTICE OF CLAIM AND A WAIVER OF YOUR OPPORTUNITY TO CONTEST THE CLAIM.

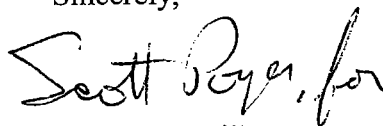
A GENERAL DENIAL DOES NOT MEET THE REQUIREMENTS OF 49 CFR § 386.14(d)(1). UNLESS YOUR REPLY COMPLIES WITH THE REQUIREMENTS OF 49 CFR § 386.14(d)(1), THE ASSISTANT ADMINISTRATOR MAY ENTER A DEFAULT AGAINST YOU.

IF YOU DO NOT UNDERSTAND OR ARE CONFUSED ABOUT YOUR RIGHTS AND OBLIGATIONS AS OUTLINED WITHIN THIS NOTICE OF CLAIM, YOU MAY WISH TO SEEK LEGAL ADVICE.

Case Number: NJ-2008-0283-US0170

Copies of the procedural regulations, applicable statutes and the Service List are enclosed.

Sincerely,

A handwritten signature in cursive script that reads "Scott Rye, for". The signature is written in black ink and is positioned above the printed name of the signatory.

Robert W. Miller
Field Administrator

Enclosures

APPLICABLE STATUTES

Section 521(b)(2)(B)(i) of 49 USC provides for a maximum civil penalty of \$1,000 for each recordkeeping offense, (including the failure to make a required report; or making a required report that does not specifically, completely, and truthfully answer a required question; or does not make, prepare, or preserve a record in the form and manner prescribed), and each day of the violation shall constitute a separate offense. The maximum of all civil penalties assessed against any violator for all offenses related to any single violation shall not exceed \$10,000 (49 USC § 521(b)(2)(B)(i); August 10, 2005).

Section 14901 (a)(1), (2) and (3) of 49 USC provide that a person who fails to make a report, to specifically, completely, and truthfully answer a question, or to make, prepare, or preserve a record in the form and manner prescribed is liable for a minimum penalty of \$650 per violation 72 Fed. Reg. 55102; September 28, 2007).

Section 14901 (a)(4) of 49 USC provides that a person who operates as a carrier or broker for the transportation of property in violation of the registration requirements of 49 USC 13901 is liable for a minimum penalty of \$650 per violation 72 Fed. Reg. 55102; September 28, 2007).

Section 14901 (a) of 49 USC provides that a person who operates as a motor carrier of passengers in violation of the registration requirement of 49 USC 13901 is liable for a minimum penalty of \$2,200 per violation (68 Fed. Reg. 15381 (March 31, 2003)).

Section 14901 (a)(5) of 49 USC provides that a person who operates as a foreign motor carrier or foreign motor private carrier in violation of the provisions of 49 USC 13902 (c) is liable for a minimum penalty of \$650 per violation 72 Fed. Reg. 55102; September 28, 2007).

Section 219 of the Motor Carrier Safety Improvement Act of 1999 provides that a person who operates as a foreign motor carrier or foreign motor private carrier without authority, before the implementation of the land transportation provisions of the North American Free Trade Agreement, outside the boundaries of a commercial zone along the United States-Mexico border is liable for a maximum penalty of \$11,000 for an intentional violation and a maximum penalty of \$32,500 for a pattern of intentional violations 72 Fed. Reg. 55102; September 28, 2007).

Section 14901 (b) of 49 USC provides that a person who operates as a motor carrier or broker for the transportation of hazardous wastes in violation of the registration provisions of 49 USC 13901 is liable for a maximum penalty of \$22,000 per violation (68 Fed. Reg. 15381 (March 31, 2003)).

Section 14901 (d) of 49 USC provides that a motor carrier or freight forwarder of household goods, or their receiver or trustee, that does not comply with any regulation relating to the protection of individual shippers is liable for a minimum penalty of \$1,100 per violation (68 Fed. Reg. 15381 (March 31, 2003)).

Section 14901(d)(2) of 49 USC provides that if a broker for transportation of household goods makes an estimate of the cost of transporting any such goods before entering into an agreement with a carrier to provide transportation of household goods, the broker is liable to the United States for a civil penalty of not less than \$10,000 for each violation. (49 USC § 14901(d)(2); August 10, 2005).

✓ Section 14901(d)(3) of 49 USC provides that a person who operates as a motor carrier or broker for the transportation of household goods in violation of the registration requirements of 49 USC Chapter 139 is liable to the United States for a civil penalty of not less than \$25,000 for each violation (49

APPLICABLE STATUTES

USC § 14901(d)(3); August 10, 2005).

Section 14901(e) of 49 USC provides that a person-

(i) Who falsifies, or authorizes an agent or other person to falsify, documents used in the transportation of household goods by motor carrier or freight forwarder to evidence the weight of a shipment or

(ii) Who charges for services which are not performed or are not reasonably necessary in the safe and adequate movement of the shipment is liable for a minimum penalty of \$2,200 for the first violation and \$6,500 for each subsequent violation 72 Fed. Reg. 55102; September 28, 2007).

Section 14903 (a) of 49 USC provides that a person that offers, grants, gives, solicits, accepts, or receives by any means transportation or service provided for property by a carrier subject to jurisdiction under chapter 135 at a rate different than the rate in effect under section 13702 is liable to the United States for civil penalty of not more than \$120,000 for each violation 72 Fed. Reg. 55102; September 28, 2007).

Section 14903 (b) of 49 USC provides that a carrier providing transportation or service subject to jurisdiction under chapter 135 or an officer, director, receiver, trustee, lessee, agent, or employee of a corporation that is subject to jurisdiction under that chapter, that willfully does not observe its tariffs as required under section 13702, shall be fined under title 18 or imprisoned not more than 2 years, or both.

Section 14905 of 49 USC provides that a person who knowingly authorizes, consents to, or permits a violation of 49 USC 14103 relating to loading and unloading motor vehicles or who knowingly violates subsection (a) of 49 USC 14103 is liable for a penalty of not more than \$11,000 per violation (68 Fed. Reg. 15381 (March 31, 2003)).

Section 14906 of 49 USC provides that a person, or an officer, employee, or agent of that person, who tries to evade regulations under Part B of Subtitle IV, Title 49, USC, for carriers or brokers is liable for a penalty of \$220 for the first violation and at least \$275 for a subsequent violation (68 Fed. Reg. 15381 (March 31, 2003)).

Section 14907 of 49 USC provides that a person required to make a report to the Secretary, answer a question, or make, prepare, or preserve a record under Part B of Subtitle IV, Title 49, USC, or an officer, agent, or employee of that person, is liable for a maximum penalty of \$10,000 per violation if it does not make the report, does not completely and truthfully answer the question within 30 days from the date the Secretary requires the answer, does not make or preserve the record in the form and manner prescribed, falsifies, destroys, or changes the report or record, files a false report or record, makes a false or incomplete entry in the record about a business related fact, or prepares or preserves a record in violation of a regulation or order of the Secretary 72 Fed. Reg. 55102; September 28, 2007).

Section 14908 of 49 USC provides that a motor carrier, water carrier, freight forwarder, or broker, or their officer, receiver, trustee, lessee, employee, or other person authorized to receive information from them, who discloses information identified in that section without the permission of the shipper or consignee is liable for a maximum penalty of \$2,200 (68 Fed. Reg. 15381 (March 31, 2003)).

Section 14910 of 49 USC provides that a person who violates a provision of Part B, Subtitle IV, Title 49, USC, or a regulation or order under Part B, or who violates a condition of registration related to transportation that is subject to jurisdiction under subchapter I or III or Chapter 135, or who violates a

APPLICABLE STATUTES

condition of registration of a foreign motor carrier or foreign motor private carrier under section 13902, is liable for a penalty of \$650 for each violation if another penalty is not provided in 49 USC Chapter 149 72 Fed. Reg. 55102; September 28, 2007).

STATEMENT OF CHARGES

Violation 1 --- 49 CFR 390.19(a)(1) - Failing to file a Motor Carrier Identification Report, Form MCS-150 before beginning operations.

CHARGE #1:

On or about 06/20/2008, Nicks Transportation And Services, Inc. used driver Nicolau Prechaniuk to operate a commercial motor vehicle, in interstate commerce, before filing a Motor Carrier Identification Report, Form MCS-150, as required. At the time of transportation, Nicks Transportation And Services, Inc. was not registered with the FMCSA as a motor carrier.

Violation 2 --- 49 CFR 392.9a(a) /14901(d)(3) - Failure to register or maintain registration as a household goods broker or motor carrier.

CHARGE #1:

On or about 06/20/2008, Nicks Transportation And Services, Inc. used driver Nicolau Prechaniuk to transport a shipment of household goods, requiring operating authority, without the required operating authority. At the time of transportation, Nicks Transportation And Services, Inc. was not registered with the FMCSA as a motor carrier and, did not have household goods operating authority.

SERVICE LIST

This is to certify that on September 23, 2008, the undersigned sent, by the method indicated, the designated number of copies of the Notice of Claim to each of the parties listed below.

Each party listed below must receive the designated number of copies of each filing made in this proceeding in the future.

Nicolau Prechaniuk, President
Nicks Transportation And Services, Inc.
101 Warwick Street
Newark, NJ 08628

Original
Federal Express

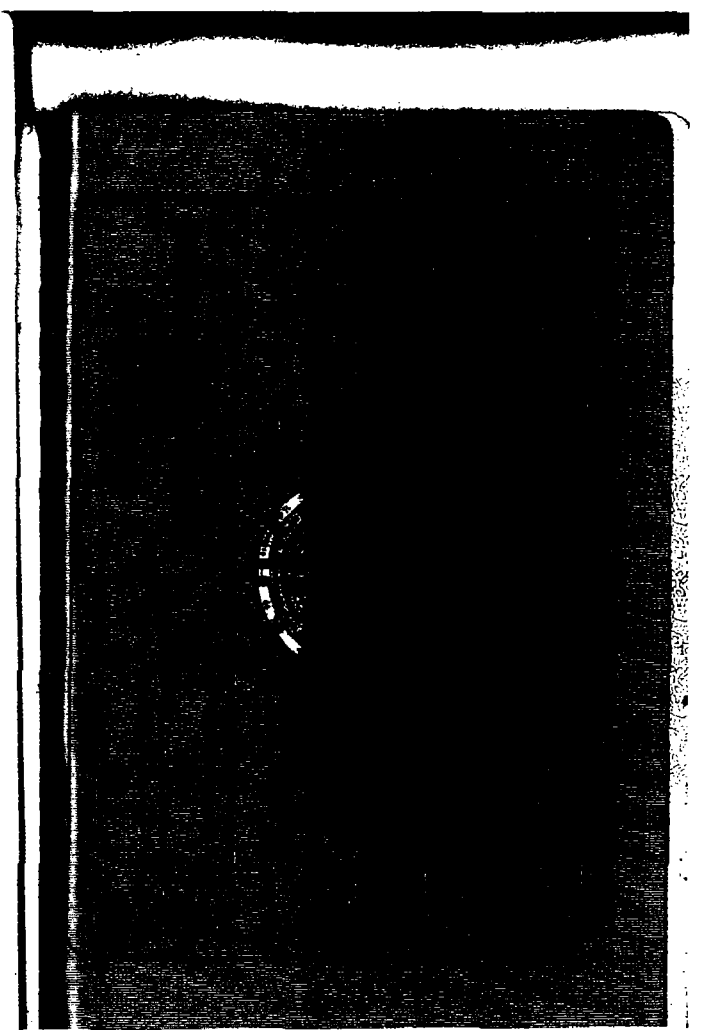
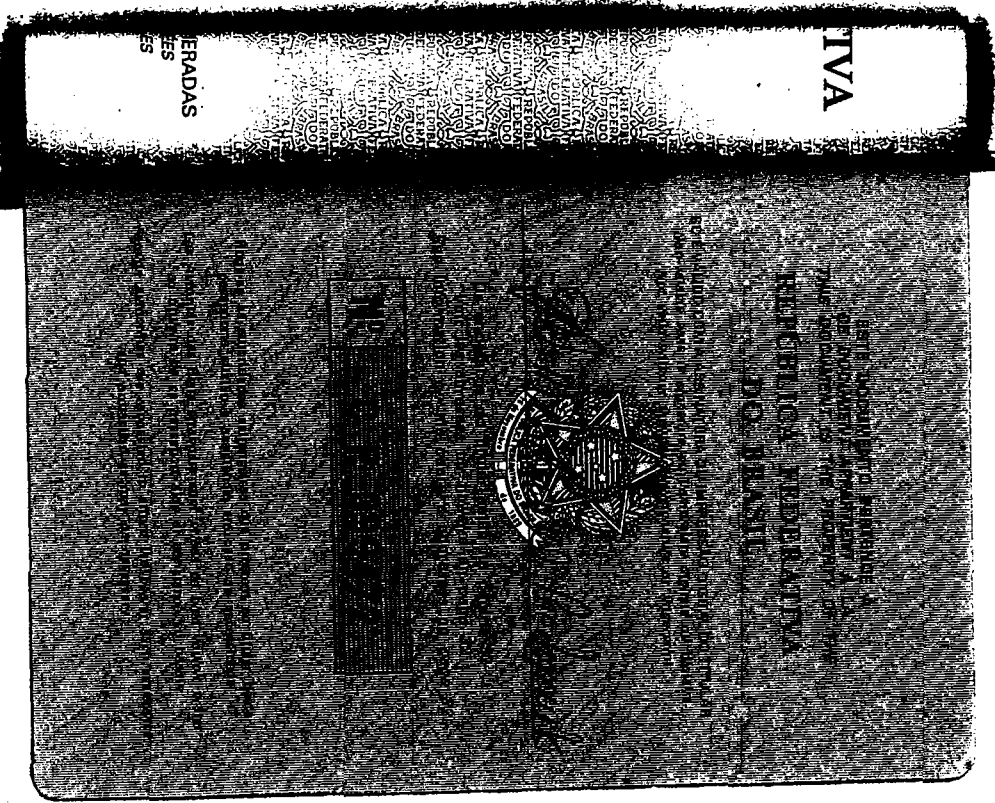
Christopher Rotondo, Division Administrator
U.S. Department of Transportation
Federal Motor Carrier Safety Administration
840 Bear Tavern Road, Suite 310
West Trenton, NJ 08628

One Copy
Electronically (EDMS)

U.S. Department of Transportation
Federal Motor Carrier Safety Administration
FMCSA Docket Clerk
Eastern Service Center
802 Cromwell Park Drive
Suite N
Glen Burnie, MD 21061

One Copy
Personal Delivery





RECONFIRM RETURNING AND CONTINUING RESERVATIONS 72 HOURS IN ADVANCE FOR
INTERNATIONAL FLIGHTS AND SUGGEST 48 HOURS IN ADVANCE FOR DOMESTIC FLIGHTS.
CAUTION: TICKETS MAY HAVE VALUE IF CANCELLED. PLEASE RETURN FOR CREDIT OR REFUND.

GRABIAS/ELIANE

NY 60-80797-100
101 RANIT STREET NEWARK, NJ

MAILED 5 JUL 1968
U.S. AIR FORCE

LEADERS
 to the...
 ...

SERVICE	DATE	FROM	TO	DEPART	ARRIVE
---------	------	------	----	--------	--------

TAM LINHAS AEREAS 27AUG NEW YORK INTL 0600 SAO PAULO SP 1025P
 WEDNESDAY GUARULHOS INTL AFONSO PENA
 AIRBUS INDUSTRIE A320-100 2D
 SEAT 14A CONFIRMED

TAM LINHAS AEREAS S.A

Nome/Name **PRECHANIUK/NICOLAU** CUB /JFK
 CF JJ 0005343287 AZUL ADT 395772295051394
 Passagem

CURITIBA CUB
 Para/To
SAO PAULO GRU

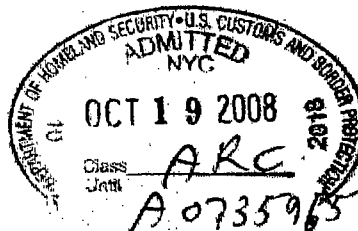
N Voo/Carrier Flight **JJ 3334** 19/10 06:20 96041731
 Hr Embarque/Boarding time

05:40
 Assento/Seat **15A** Classe/Class **Y** Portão/Gate - Terminal **2**

De/From
SAO PAULO GRU
 Para/To
NEW YORK JFK

N Voo/Carrier Flight **CNX JJ 3334**
JJ 8082 19/10 08:45 96041732
 Hr Embarque/Boarding time

07:40
 Assento/Seat **37K** Classe/Class **Y** Portão/Gate - Terminal **06**
 Via - Passageiro



VISTOS - VISAS

**For service at**

101 WARWICK ST FL2
NEWARK NJ
07105-1613

24-hour customer service
1 800 436-PSEG(7734)

Visit our
website
www.pseg.com

Inquiries by mail
PSE&G
PO Box 14444
New Brunswick NJ 08906-4444

Important Dates

Your payment is due
August 23, 2007.

Your next meter reading is
scheduled for September 10.

If you'll be away on your meter
reading day, you can assure
accurate billing anyway. Call our
toll-free record-a-reading number 1
800 622-0195, one day early.

Meter reading scheduling
1 800 722-1085

02/10/2007 MAY 03/12/07 96 01/21/30/088

NICOLAU PREGHANIUK
188 JEFFERSON ST SU256
NEWARK NJ 07105-1622

|||||

Account Summary

PSE&G balance from last bill	\$335.54
Current PSE&G - Gas	28.26
Current PSE&G - Electric	88.97
Deposit Amount Due	100.00
Total Amount Due	\$552.77

***** SHUT OFF NOTICE *****

TELEPHONE # 1-800-357-2262 (Mon-Fri, 7:30 AM - 8:00 PM)

Your bill for service is unpaid and past due. Payment of \$335.54 must be received by 8/23/2007 or service may be discontinued without further notice. If service is discontinued, a reconnection charge of \$20.00 for gas service and/or \$20.00 for electric service must be paid. Service may not be restored the same day. Delinquent bills result in a poor PSE&G Credit Rating.

Si en el futuro usted desea recibir la notificaci3n de desconectaci3n de servicio en espa3ol, llame por favor al 1-800-357-2262.

Our goal is to keep the power on, but in case there is loss of power: stay away from downed power lines, keep refrigerator and freezer doors closed, use caution with candles, and turn off lights and appliances to avoid overloading circuits once power is restored.

DAYS INN
4211 NORTH FEDERAL HIGHWAY
POMPANO BEACH
(954) 943-9866

NICOLAU PRECHANIUK

188 JEFFERSON ST 256
NEWARK, NJ 07105

Member #: 106947131H
TIME CHECKED IN..17:17:15

FOLIO= 99131 ROOM. 07 REG#.

ARRIVE 10/26/08

DEPART 10/30/08

#GUESTS 1

RATE..49.99

TIME CHECKED OUT..13:21:35

ROOM #	SH	DATE	CD	DESCRIPTION	AMOUNT	BALANCE
107	A	10/26/08	L	CASH	113.10	-113.10
107	C	10/26/08	E	ROOM RENT	49.99	-63.11
107	C	10/26/08	F	STATE TAX	2.00	-60.11
107	C	10/26/08	F	CITY TAX	1.50	-57.61
107	C	10/26/08	H	SAFE	1.06	-56.55
107	C	10/27/08	E	ROOM RENT	49.99	-6.56
107	C	10/27/08	F	STATE TAX	2.00	-3.56
107	C	10/27/08	F	CITY TAX	1.50	-1.06
107	C	10/27/08	H	SAFE	1.06	0.00
107	A	10/28/08	L	CASH	56.55	-56.55
107	C	10/28/08	E	ROOM RENT	49.99	-6.56
107	C	10/28/08	F	STATE TAX	2.00	-3.56
107	C	10/28/08	F	CITY TAX	1.50	-1.06
107	C	10/28/08	H	SAFE	1.06	0.00
107	A	10/29/08	L	ROOM RENT	56.55	-56.55
107	C	10/29/08	E	ROOM RENT	49.99	-6.56
107	C	10/29/08	F	STATE TAX	2.00	-3.56
107	C	10/29/08	F	CITY TAX	1.50	-1.06
107	C	10/29/08	H	SAFE	1.06	0.00

***** TOTAL DUE.... 0.00

ROOM RENT..	199.96	ROOM TAX...	22.00	SAFE.....	4.24
CASH PAID..	226.20				

As a Wyndham Rewards member, you have earned (2000 points) for this stay.



FedEx Express
Customer Support Trace
3875 Airways Boulevard
Module H, 4th Floor
Memphis, TN 38116

U.S. Mail: PO Box 727
Memphis, TN 38194-4643
Telephone: 901-369-3600

November 7, 2008

Dear Customer:

The following is the proof-of-delivery for tracking number **791955725534**.

Delivery Information:

Status:	Delivered	Delivery location:	Newark, NJ
Signed for by:	Signature release on file	Delivery date:	Sep 29, 2008 13:50
Service type:	Express Saver Envelope		

NO SIGNATURE REQUIRED

Proof-of-delivery details appear below; however, no signature is available for this FedEx Express shipment because a signature was not required.

Shipping Information:

Tracking number:	791955725534	Ship date:	Sep 23, 2008
		Weight:	0.5 lbs.

Recipient:
Newark, NJ US

Shipper:
Glen Burnie, MD US

Reference

MC-ESC

Thank you for choosing FedEx Express.

FedEx Worldwide Customer Service
1.800.GoFedEx 1.800.463.3339



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Tracking number 791955725534
Signed for by Signature release on file
Ship date Sep 23, 2008
Delivery date Sep 29, 2008 1:50 PM

Reference MC-ESC
Destination Newark, NJ
Delivered to Residence
Service type Express Saver
Envelope

Weight

0.5 lbs.

Wrong Address?

Reduce future mistakes.
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Go to [shipper login](#)

Status Delivered

Signature image available No

Date/Time	Activity	Location	Details
Sep 29, 2008 1:50 PM	Delivered	Newark, NJ	Left at front door. Package delivered to recipient address - release authorized
8:13 AM	On FedEx vehicle for delivery	ELIZABETH, NJ	
6:08 AM	At local FedEx facility	ELIZABETH, NJ	
Sep 27, 2008 10:34 AM	At local FedEx facility	UNION, NJ	
Sep 26, 2008 4:42 PM	At local FedEx facility	ELIZABETH, NJ	
2:07 PM	Delivery exception	ELIZABETH, NJ	Customer not available or business closed
8:26 AM	On FedEx vehicle for delivery	ELIZABETH, NJ	
Sep 25, 2008 9:14 PM	At local FedEx facility	ELIZABETH, NJ	
5:21 PM	Delivery exception	ELIZABETH, NJ	Customer not available or business closed
3:32 PM	On FedEx vehicle for delivery	ELIZABETH, NJ	
12:05 PM	Delivery exception	ELIZABETH, NJ	Package at station, arrived after courier dispatch
12:02 PM	At local FedEx facility	ELIZABETH, NJ	
11:26 AM	Departed FedEx location	NEWARK, NJ	
11:24 AM	Arrived at FedEx location	NEWARK, NJ	
8:24 AM	At local FedEx facility	HAMILTON, NJ	
6:13 AM	Arrived at FedEx location	NEWARK, NJ	
3:33 AM	Departed FedEx location	MEMPHIS, TN	
Sep 24, 2008 1:24 PM	Arrived at FedEx location	MEMPHIS, TN	
Sep 23, 2008 8:27 PM	Left FedEx origin facility	LINTHICUM HEIGHTS, MD	

4:05 PM Picked up LINTHICUM
HEIGHTS, MD
7:54 AM Package data
transmitted to FedEx

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E-mail address

Language

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	English	<input type="checkbox"/>	<input type="checkbox"/>
	English	<input type="checkbox"/>	<input type="checkbox"/>
	English	<input type="checkbox"/>	<input type="checkbox"/>

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- [Shipments](#)

Tracking number	798050727579	Reference	MC-ESC
Signed for by	Signature release on file	Destination	Newark, NJ
Ship date	Oct 29, 2008	Delivered to	Residence
Delivery date	Nov 3, 2008 1:25 PM	Service type	Express Saver
		Weight	Envelope 0.5 lbs.

Status Delivered

Signature image available No

- [My FedEx](#)

Date/Time	Activity	Location	Details
Nov 3, 2008 1:25 PM	Delivered	Newark, NJ	Left at back door. Package delivered to recipient address - release authorized
	8:04 AM On FedEx vehicle for delivery	ELIZABETH, NJ	
Oct 31, 2008 12:13 PM	At local FedEx facility	ELIZABETH, NJ	Package not due for delivery
	11:42 AM Departed FedEx location	NEWARK, NJ	
	11:41 AM Arrived at FedEx location	NEWARK, NJ	
	11:40 AM Delivery exception	ELIZABETH, NJ	Package at station, arrived after courier dispatch
	8:29 AM At local FedEx facility	HAMILTON, NJ	
	6:07 AM Arrived at FedEx location	NEWARK, NJ	
	3:36 AM Departed FedEx location	MEMPHIS, TN	
Oct 30, 2008 10:03 AM	Arrived at FedEx location	MEMPHIS, TN	
Oct 29, 2008 9:17 PM	Left FedEx origin facility	LINTHICUM HEIGHTS, MD	
	4:08 PM Picked up	LINTHICUM HEIGHTS, MD	
	12:45 PM Package data transmitted to FedEx		

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Subscribe to tracking updates (optional)

Your name: Your e-mail address:

E-mail address	Language	Exception updates	Delivery updates
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<input type="text"/>	English <input type="button" value="v"/>	<input type="checkbox"/>	<input type="checkbox"/>
<input type="text"/>	English <input type="button" value="v"/>	<input type="checkbox"/>	<input type="checkbox"/>
<input type="text"/>	English <input type="button" value="v"/>	<input type="checkbox"/>	<input type="checkbox"/>

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Cell: 973.573.8680
Fax: 973.817.7334

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-FINE ARTS

LOCAL & LONG DISTANCE

188 JEFFERSON ST.
SUITE 256
NEWARK, NJ 07105



E-mail: nicolaunik@aol.com

Date: 04 / 15 / 08

No 1837

Name: _____

Address: _____

INVOICE

PICK UP FROM:

Sabina Danenberg

Tel: (305) 5622290

Customer Contact: _____

DELIVER TO:

Elizabeth Bauer
Show Room, Bleeker St
Manhattan - NY

Tel: (414) 474 0808

Description Of Work:

2 Iceberg Lucite lamps

2 mirrored lamps

1 console with metal base + glass

3 brass stack table + 3 glass

3 stack table + 3 glass

1 chrome lamp

2 Lucite stack lamps

Job Total: _____

Tax: _____

Other Charges: _____

Invoice Total: _____

*Balance is due at time of delivery. Goods will not be released to recipient unless payment is made in full. Signature of Customer hereby acknowledges that goods were received in acceptable condition, and hereby waives any claim by such acknowledgement.

Deposit: _____

Balance: * 350 -

Customer Signature: _____

Date: 4 / 20 / 08

DOYLE

NEW YORK

AUCTIONEERS & APPRAISERS

(Duplicate)

Bill To: Roger (Jerry) Kielian
J & M Antiques
3714 S. Dixie Highway
West Palm Beach FL 33405

Invoice No. NY00145693 03/12/2008

Bidder No. EB180

Customer No. 06468

Doyle at Home

Sale Date: 03/12/2008 10:00 AM

Phone: 561-655-0899

Fax: 954-772-2694

Lot No.	Description	Price
1175	Spanish Wrought Iron Fire Screen	\$450.00
1198	Louis XVI Style Faux Marble Painted Single-Drawer Side Table	\$2,750.00
1217	Pair of Neoclassical Style Polychrome Decorated Ivory Painted Doors	\$1,500.00
1252	Continental Fruitwood Serpentine Top Side Table	\$1,000.00
1272	Louis XVI Style Painted Settee	\$1,400.00
1490	Pair of William and Mary Style Etched Mirror Back Sconces	\$950.00
1495	Continental Painted and Engraved Wood Bracket Clock	\$850.00

Ship To:

Total Hammer Price: \$8,900.00

Total Premium: 2,225.00

Sub-Total: 11,125.00

Terms: C.O.D.
Tax ID: 991673551

Sales Tax: 0.00

Invoice Total: \$11,125.00

Bank Transfer: 11,125.00

Balance Due: \$0.00

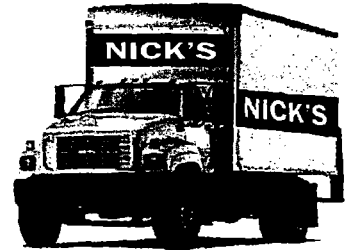
All of the above property is sold in accordance with the Conditions of Sale and limited Terms of Guarantee printed in the catalogue for the sale. Consumer Affairs #0777006

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188 JEFFERSON ST.
SUITE 256
NEWARK, NJ 07105



E-mail: nicolaunik@aol.com

LOCAL & LONG DISTANCE

No 1643

INVOICE

Date: 09 / 14 / 07

Name: JERRET Killian J&M ANTIQUES

Address: 3714 South Dixie Hwy
West Palm Beach - Florida

PICK UP FROM:

CRN Auction

57 Bay State Rd

Cambridge - MA 02138

Tel: (617) 661 9582

Customer Contact: Jarret

DELIVER TO:

J&M Antiques

West Palm Beach - Florida.

Tel: ()

Description Of Work: 248 = Pr. Side Tables

lots 9 = OVAL MIRROR

12 = Redining woman

17 = Fire screen

29 = Ital. sofa

60 = Pr. GILT ARMS

65 = Fr. Blue Desk

67 = MAT. VASE

82 = Neo classical console Table

108 = Marble Top center Table

117 = 18 mini cabinets

123 = 18 URNS

Job Total: _____

Tax: _____

Other Charges: _____

Invoice Total: _____

Deposit: _____

Balance:* _____

*Balance is due at time of delivery. Goods will not be released to recipient unless payment is made in full. Signature of Customer hereby acknowledges that goods were received in acceptable condition, and hereby waives any claim by such acknowledgement.

Customer Signature: _____

Date: ____ / ____ / ____

3714 S. Dixie hwy.
West Palm Bch., FL
33405

J & M Antiques & Interiors

shop: (561) 655-0899
cell: (954) 629-1383
fax: (954) 772-2694

Nick,

Here are the pick up items:

Doyle New York (212) 427-2730

1175 Iron Screen
1198 Side Table
1217 Pair Panels
1252 Side Table
1272 Settee
1490 Pair Sconces
1495 Clock

Cadogan Tate Warehouse (718) 706-7999

OK Sale # 1971

690 Desk
941 Mirror

Stair Galleries (518) 751-1000
549 Warren Street
Hudson, NY 12534

OK 316 Pair Lamps
317 Pair Columns

Dargate Auction (412) 362-3558
214 North Lexington Ave.
Pittsburgh, PA 15208

736 Armchair

Alex Cooper (800) 272-3145
908 York Road
Towson, MD 21204

104 Side Table

Let me know if you have any questions,
Jerry

www.jmantiques.com

NICK'S TRANSPORTATION & SERVICES

Tel: 973.817.8179
Cell: 973.573.8680
Fax: 973.817.7334

SPECIALIZE IN THE MOVING OF:
-ANTIQUES
-FURNITURE
-FINE ARTS

LOCAL & LONG DISTANCE

188 JEFFERSON ST.
SUITE 256
NEWARK, NJ 07105



E-mail: nicolaunik@aol.com

No 1858

INVOICE

Date: 06/12/08
Name: J & M Antiques
Address: 3714 S Dixie Hwy
W. Palm Beach - 33405
Cel. 954-629-1383

PICK UP FROM:

Christies -
49 ST 5-6 AVE
Att: Catherine
Tel: (212) 636 2202

Customer Contact: _____

Description Of Work:

stock # RU4446
2 chairs

DELIVER TO:

Florida Showroom
3714 S Dixie Hwy.
West Palm Beach - FL
Tel: () _____

Job Total: _____

Tax: _____

Other Charges: _____

Invoice Total: _____

Deposit: _____

Balance*: _____

*Balance is due at time of delivery. Goods will not be released to recipient unless payment is made in full. Signature of Customer hereby acknowledges that goods were received in acceptable condition, and hereby waives any claim by such acknowledgement.

Customer Signature: _____ Date: ____/____/____

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SUITE 256
NEWARK, NJ 07105



E-mail: nicolaunik@aol.com

Date: 06/11/08

Name: M.A.D.E. EXPO

Address: 8330 Biscayne Blvd.

306-757-2044
or 914-830-6830 Robert Mabelo

NE 1790

INVOICE

PICKUP FROM:

Larchmont Auctions
Larchmont N.Y.

DELIVER TO:

Showroom
M.A.D.E.

Tel: ()

Robert.

Tel: ()

Customer Contact:

Description Of Work:

chairs, table,

* Returning five items back to Miami,
she don't accepted in the Auction Galleries.

Job Total:

600.00

Tax:

Other Charges:

Invoice Total:

Deposit:

Balance:*

300.00

*Balance is due at time of delivery. Goods will not be released to recipient unless payment is made in full. Signature of Customer hereby acknowledges that goods were received in acceptable condition, and hereby waives any claim by such acknowledgement.

Customer Signature: _____

Date: ____/____/____

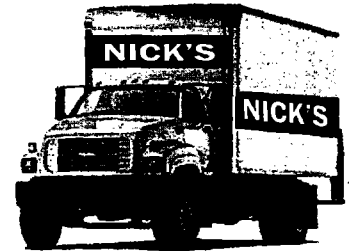
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LOCAL & LONG DISTANCE

188 JEFFERSON ST.
SUITE 256
NEWARK, NJ 07105



E-mail: nicolaunik@aol.com

Date: 07/17/08

Name: Alberto Guerrero & Tony Crespo

Address: Florida

* 305-606 7757

NO 1886

INVOICE

PICK UP FROM:

① All Point shipping

Melba Brothers Auction Galleries

Tel: () 82

Customer Contact: Alberto

Description Of Work:

① Pair of Cabinets
① Chair
① Ottoman

DELIVER TO:

Florida, show room
8330 Biscayne Blvd
Miami - Florida

Tel: ()

450.00

② * Pickup at Topper Galleries:
Attached list

1,300.00

③ 1 Credenza for izik \$ 275.00
TO Refinish Florida

Job Total: 2,025

Tax: _____

Other Charges: _____

Invoice Total: _____

Deposit: _____

Balance*: _____

*Balance is due at time of delivery. Goods will not be released to recipient unless payment is made in full. Signature of Customer hereby acknowledges that goods were received in acceptable condition, and hereby waives any claim by such acknowledgement.

Nicholas Prochamuk Paid check n: 2514

Customer Signature: _____

Date: ____/____/____

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Fax: 973.817.7334

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LOCAL & LONG DISTANCE

188 JEFFERSON ST.
SUITE 256
NEWARK, NJ 07105



E-mail: nicolaunik@aol.com

Date: 06/20/08

No 1871

Name: _____

Address: _____

S. Danenberg
4900 S. Dixie Hwy
W P B Fl 33405

INVOICE

PICK UP FROM:

S. Danenberg. Antiques.
4900 S. Dixie
W P B Fl 33405.

Tel: (305) 562 2290.

Customer Contact: Barrie B

DELIVER TO:

Barrie Benson.
3821 Arbor Way.
Charlotte, NC. 28211

Tel: (704) 366. 9916.

Description Of Work:

- 1) French Prov Sideboard — PU
- 2) French 40's 2 tone Sideboard PU
- 3) 3pc c. table w/ 3 pcs of glass — ✓
- 4) 2 French chairs (Arms / gold). ✓
- 5) 2 (Pair) of Loveseats =
- 6) 2 Headboards + 2 Foots + 4 Sides = 8 pc tot ✓
- 7) 1 Neomig chest of D's — ✓ PU.

Job Total: _____

Tax: _____

Other Charges: _____

Invoice Total: _____

Deposit: _____

Balance*: _____

*Balance is due at time of delivery. Goods will not be released to recipient unless payment is made in full. Signature of Costumer hereby acknowledges that goods were received in acceptable condition, and hereby waives any claim by such acknowledgement.

Customer Signature: _____

Date: 6/24/08

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Fax: 973.817.7334

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LOCAL & LONG DISTANCE

188 JEFFERSON ST.
SUITE 256
NEWARK, NJ 07105



E-mail: nicolaunik@aol.com

Date: 06/20/08

Name:

Nancy Collins

Address:

Center 44

222 EAST 44th 2nd floor

212-362-8871

No 1876

INVOICE

PICK-UP FROM:

J. Danenberg

4900 S. Dixie Hwy
WPB FL 33405

Tel: 305, 562-2290

Customer Contact:

DELIVER TO:

Nancy Collins
Center 44 Antiques
2nd floor

Tel: ()

Description Of Work:

1 fair painted marbled Console Cabinet.
2 (Pau) White lacquered console -
1 Bamboo side board cabinet
2 end table yellow w/ red

Job Total: 450

Tax:

Other Charges:

Invoice Total:

Deposit:

Balance*:

*Balance is due at time of delivery. Goods will not be released to recipient unless payment is made in full. Signature of Customer hereby acknowledges that goods were received in acceptable condition, and hereby waives any claim by such acknowledgement.

Customer Signature:

Date: / /



CRAIG VAN DEN BRULLE

FAX

COVER PAGE

DATE: Tuesday, August 26, 2008

TO: Nicholas

COMPANY: Nick's Transportation

FAX NUMBER: 973.817.7464

PHONE: 973.573.8680

FROM: Austin Mullins

RE:

Total Pages: 2 with cover

MESSAGE:

CAPitol Antiques

Shane Adams | Craig Van Den Brulle

192 ELIZABETH STREET | NY, NY 10012 | T. 212.925.6760 | F. 646.613.1137 |
E. SHANE@CRAIGVANDENBRULLE.COM | W. WWW.CRAIGVANDENBRULLE.COM

From: "Rudnick, Barry" <BRU@Corcoran.com>
Subject: **pick ups**
Date: August 26, 2008 10:08:36 AM EDT
To: <shane@craigvandenbrulle.com>

Please print and fax this list for Nicholas to pick up:

Sabina Danenberg Antiques
4900 S. Dixie Hwy
West Palm Beach, FL 33405
561-533-5992

- 2) Biedermaier Chests of Drawers (These chests are in mint condition and should arrive that way)
- 2) Large French Deco Servers
- 1) Large Glass & Brass Chandelier (each chandelier is in **PERFECT CONDITION** and should arrive that way)
- 1) Small Glass & Brass Chandelier (perfect condition)
- 6) Set of 8 Dining Chairs

Mastercraft Brass Mirror - Perfect Condition
Remi-Danielle
5505 S. Dixie Hwy
West Palm Beach, FL 33405
561-585-4275

- 1) Very Large Bronze Sculpture and (Lucite CUBE) 50" L x 36" H x 24" W (Very Heavy) **Piece must be pack VERY WELL. I do not want any scratches on this piece**
- 1) Large Sofa
- 1) Club Chair

Marc Corsin INC
3629 S. Dixie Hwy
West Palm Beach
561-650-1338

- 3) Set of 3 Valoise Pottery (pottery is in perfect condition Marc Corsin should have all the pieces rapped & boxed)

Michel Contessa Antiques & More
8650 Biscayne Blvd #8
Miami, FL 33138
305-759-2311

- 1) Large Bronze Sculpture and Base (**Please pack sculpture and base separately each piece must be packed VERY well. I don't any scratches on the pieces**

Total of 17 Pieces

Thank you
Craig Van Den Brulle

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work order

to NICK'S TRANSPORTATION
fax 973-817-7464
date 8/26
client HYNES/BENSON

notes

revision

bb.

barrie benson interior design
3821 arborway
charlotte, nc 28211
tel 704 366 9916
fax 704 366 9849
b_barrie@bellsouth.net

PICK UP:

MICHEL CONTESSA
8650 BISCAYNE BLVD.
SUITE 8
MIAMI, FL. 33138
305.761.5243

PAIR OF
LARGE CHAIRS

375.00

DELIVER:

DESIGN UPHOLSTERY
1315 CENTRAL AVE.
CHARLOTTE, NC 28205
704.376.7754

*NICK: YOU SAID YOU COULD DELIVER
PICK UP CHAIRS BY 9/5.
*PLEASE CONFIRM

work order

to NICHOLAS
 fax 973-817-7464
 date 6/27
 client PARKER STUFORD
 notes _____

 revision _____

bb.

barrie benson interior design
 3821 arborway
 charlotte, nc 28211
 tel 704 366 9916
 fax 704 366 9849
 b_barrie@bellsouth.net

— PICK UP :

— (1) IRON COFFEE TABLE

~~66011703~~

— LAURIN COPEN ANTIQUES

1703 MONTAUK HIGHWAY
 BRIDGEHAMPTON, NY 11932
 (631) 537-2802

— DELIVER :

DESIGN UPHOLSTERY

1315 CENTRAL AVE.

CHARLOTTE, NC 28205

(704) 376-7754

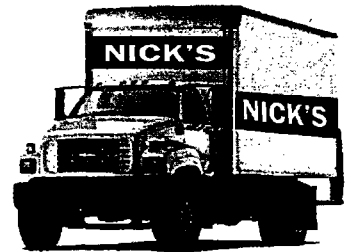
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LOCAL & LONG DISTANCE

188 JEFFERSON ST.
SUITE 256
NEWARK, NJ 07105



E-mail: nicolaunik@aol.com

Date: 06/24/08

Name: _____

Address: CAPITO

NO 1875

INVOICE

PICK UP FROM:

S. Danenberg Antiques -
4900 S. Dixie Hwy
WPB FL 33405

DELIVER TO:

Capitol Furnishings
NY -

Tel: (____) _____

Tel: (917) 539 5365
212. 925 6760.

Customer Contact: _____

Description Of Work:

- 1) 3/3 Chandeliers (Ice cube look) med.
- 2) 1/3 Chandeliers (Ice cube look) Small
- 3) 3/3 Chandeliers (Ice cube look) Extra lge
- 4) Bran and glass chand.
- 5) Five globe glass/wood/chrome chand
- 6) Marble + S/S Sculpture h. 54 gph.

OK # 4604 [Signature]

Job Total: 650.00

Tax: _____

Other Charges: _____

Invoice Total: _____

Deposit: _____

Balance: * _____

*Balance is due at time of delivery. Goods will not be released to recipient unless payment is made in full. Signature of Customer hereby acknowledges that goods were received in acceptable condition, and hereby waives any claim by such acknowledgement.

Customer Signature: _____ Date: ____/____/____

**SABINA DANENBERG
ANTIQUES**

4900 S. Dixie Hwy.
West Palm Beach
Florida 33405

(561) 533-5992
Cell (305) 562-2290
Fax (561) 533-5998
Email: sabinad1@bellsouth.net
www.DanenbergAntiques.com

VF

VENFIELD
227 E 60TH ST.
NEW YORK NY 10022
212 588 9436
212 588 9435 (FAX)
venfieldnyc@aol.com
www.venfieldnyc.com

...NANCY COLLINS...
Bespoke Design...



Tel: 212-362-2259
NancyCollinsBespokeDesign@gmail.com
Gallery: Center44
222 East 44th Street, NYC 10017

**ALWAYS
BUYING**

**QUALITY
ANTIQUES**

J & M ANTIQUES

3714 S. DIXIE HIGHWAY
WEST PALM BEACH, FL 33405

Jerry
JERRY KIELIAN

PALM BEACH (561) 655-0899
CELL (954) 629-1383
www.jmantiques.com

M.A.D.E.

Miami Antique and Design Expo

8330 Biscayne Blvd. • Miami, FL 33138
Phone: 305.757.2044/2045 • Fax: 305.757.2046
www.made-miami.com
miamiantiques@made-miami.com